

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JOHNNIE L. LEWIS,

Plaintiff,

v.

**CIVIL ACTION NO. 2:06 CV 54
(Maxwell)**

**COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

ORDER

It will be recalled that the above-styled social security appeal was instituted on May 25, 2006, with the filing of a Complaint by Plaintiff Johnnie L. Lewis.

It will further be recalled that the case was referred to United States Magistrate Judge John S. Kaull in accordance with Rule 83.12 of the Local Rules of General Practice and Procedure.

On December 28, 2006, Magistrate Judge Kaull entered a Report And Recommendation/Opinion (Docket No. 20) wherein he recommended that the above-styled social security appeal be dismissed with prejudice for failure to prosecute and for failure to comply with the Court's Orders of September 14, 2006, and November 17, 2006. In said Report And Recommendation/Opinion, the parties were directed, in accordance with 28 U.S.C. §636(b)(1) and Rule 6(e) of the Federal Rules of Civil Procedure, to file any written objections thereto with the Clerk of Court within ten (10)

days after being served with a copy of said Report And Recommendation/Opinion. Magistrate Judge Kaull's Report And Recommendation/Opinion expressly provided that a failure to timely file objections would result in waiver of the right to appeal from a judgment of this Court based thereon.

The docket in the above-styled civil action reflects that no objections to Magistrate Judge Kaull's December 28, 2006, Report And Recommendation/Opinion have been filed.

Upon consideration of said Report and Recommendation/Opinion, and having received no written objections thereto¹, the Court accepts and approves the Report And Recommendation/Opinion. Therefore, it is

ORDERED that Magistrate Judge Kaull's Report And Recommendation/Opinion (Docket No. 11) be, and is hereby, **ACCEPTED** in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly,

1. The above-styled social security appeal be and the same is hereby, **DISMISSED with prejudice** for failure to prosecute and for failure to comply with the Court's Orders of September 14, 2006, and November

¹The failure of the parties to object to the Report And Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

17, 2006.

The Clerk of Court is directed to transmit copies of this Order to counsel of record.

ENTER: August 14th 2007


United States District Judge